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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,091	02/23/2004	Kurt Hamilton	HAMMI.10040	6895
38715 7590 06/19/2007 JEROMYE V. SARTAIN MIND LAW FIRM 2424 S.E. BRISTOL STREET SUITE 300 NEWPORT BEACH, CA 92660			EXAMINER LAUX, JESSICA L	
			ART UNIT 3635	PAPER NUMBER
			MAIL DATE 06/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,091	Applicant(s) HAMILTON, KURT	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment is made of the RCE filed 04/27/2007. Accordingly the claims have been amended.

Response to Arguments

Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-8, 10-11, 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Porambo et al (5333433).

Regarding claims 1-4 and 6-8: Porambo discloses a drywall joint construction consisting essentially of:

a first drywall board having a first lengthwise edge and an outwardly-facing first planar surface;

a second drywall board having a second lengthwise edge and an outwardly-facing second planar surface, the second drywall board being positioned adjacent the first drywall board such that the first and second lengthwise edges are brought into substantially abutting contact so as to form a lengthwise crack between the first and second planar surfaces, a center-line surface of the joint construction being defined as the outwardly-facing surface directly over the crack and exposed for surface treatment (figures 4D and 5); and

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a joint finishing system installed within the crack to complete the drywall joint construction, the system including a flexible layer forming the center-line surface, the flexible layer being a tape (10). Wherein the first lengthwise edge is tapered inwardly, yet substantially perpendicular, from the first planar surface and the second lengthwise edge is tapered inwardly, yet substantially perpendicular, from the second planar surface such that the crack is configured as an outwardly-opening channel/slit having opposite angled channel sides (figures 4D and 5); and

the joint finishing system comprises:

a taping compound (12 and 14 A&B), comprising a flexible joint cement, filling the channel/slit so as to cover the channel sides; and a tape (10), having first and second marginal edges, forming the flexible layer and covering the taping compound so as to flush the joint finishing system with the first and second planar surfaces;

and wherein the taping compound comprises a joint cement of a non-shrinking formula or caulk (where the adhesive of Porambo acts as a non-shrinking joint cement/caulk to adhere the tape to the joint and provide a finished surface to the joint construction).

Regarding claims 10-11 and 16-17: wherein the first lengthwise edge is substantially perpendicular to the first planar surface and the second lengthwise edge is substantially perpendicular to the second planar surface such that the crack is configured as an outwardly-opening slit (figures 4D and 5); and

the joint finishing system comprises a non-shrinking caulk (14, figure 3 area a; Col. 5, lines 4-10) forming the flexible layer and filling the slit (figures 4d and 5) so as to flush the joint finishing system with the first and second planar surfaces.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5, 9, 12, 13, 18, 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Porambo et al (5333433).

Regarding claims 5, 9, 12, 13, 18, 19: Porambo discloses the claimed joint construction as above but does not expressly disclose a skim coat applied over the marginal edges to blend the tape with the first and second planar surfaces of the wall board. Instead Porambo discloses a layer of joint/cement caulk extending beyond the edges of the tape to blend the tape with the first and second planar surfaces (figure 3). However, it is notoriously common and well known in the art to apply a skim coat over a tape to blend the tape with the planar surfaces of the wall board. Therefore it would have been obvious to one of ordinary skill in the art to modify the marginal edges of Porambo to have a skim coat to provide a more cohesive, smooth and un-noticable transition from the tape to the planar surfaces of the wall board.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-

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8228. The examiner can normally be reached on Monday thru Friday, 6:30am to 2:30pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



/J. CHAPMAN/
PRIMARY EXAMINER
ART UNIT 3635

JL
06/07/2007